

**REMARKS**

Claims 21-24 and 26 are pending, claims 21 and 24 are amended, claim 26 is newly added and claims 1-20 and 25 are cancelled in the above-identified application.

No new matter has been added to the claims or specification by amendment.

Applicants request consideration and entry into the record of the following amendments and remarks.

**Specification**

The Examiner has noted that the U.S.P.T.O. did not receive an abstract in the above-identified application.

Applicants respectfully note that the Abstract was inadvertently omitted as an attachment to the previously filed "First Preliminary Amendment" on August 14, 2006. In light of that, attached herewith is an Abstract on a separate sheet as required under 37 CFR 1.72(b).

Applicants request that the above-identified objection or formality issue be acknowledged and withdrawn.

**Information Disclosure Statement**

The Examiner states that as references were not provided with a submitted Information Disclosure Statement in the above-identified application, "the IDS submitted cannot be considered" . . . Once these references are provided, the IDS can be processed".

In response to the Examiner's request, Applicants respectfully attach herewith a copy of the original IDS statement and PTO 1449 Form as filed on August 14, 2006 (i.e., which lists patent and non-patent literature references cited in a May 23, 2005 International Search Report) in the U.S. Patent Office with copies of each patent and non-patent literature document cited therein, which were inadvertently omitted as attachments, in the above-identified application.

In light of the foregoing, Applicants respectfully request that the Examiner withdraw the above-identified objection and consider the originally filed IDS Statement and PTO 1449 Form with attached references in their entirety.

**Rejection Under 35 U.S.C. §112, 1<sup>st</sup> paragraph**

Claims 21-25 are rejected under 35 U.S.C. §112, 1<sup>st</sup> para., because the specification, while enabling for compounds and salts, does not reasonably provide enablement for solvates.

Applicants have overcome this rejection by amending claim 21-24 to delete the term "solvates". Claim 25 has been cancelled in the above-identified matter.

Claims 24-25 are rejected under 35 U.S.C. §112, 1<sup>st</sup> para., because the specification, while enabling for hyperlipoproteinaemia, hypercholesteremia or hypertriglyceridaemia, hyperlipoproteinaemia, does not reasonably provide enablement for lipid metabolism disorders generally.

In the interest of advancing prosecution, claim 24 has been amended, claim 25 has been cancelled, and claim 26 is newly added in the above-identified application.

In particular, amended claim 24 now deletes the term “a lipid metabolism disorder or disease” and is now limited to the following specific diseases as recited below:

“A method for treatment of hyperlipidaemia, hyperlipoproteinaemia, hypercholesteremia, hypertriglyceridaemia, mixed dyslipidaemia or diabetic dyslipidaemia, which comprises administering a therapeutically effective amount of a compound of claim 21 to a human subject (for support, see instant specification at page 2, lines 12 to 18, at page 3, lines 13 to 19, at page 6, lines 40-42 to page 7, lines 1-2 and at page 15, lines 9-15).”

New claim 26 has been added, which recites:

“A method for treatment of coronary artery disease or atherosclerosis, which comprises administering a therapeutically effective amount of a compound of claim 21 to a human subject (for support, see instant specification at page 2, lines 14 to 18, at page 3, lines 15 to 19, at page 6, lines 42 to page 7, lines 1-4 and at page 15, lines 16-19).”

In each of the above-identified amendments, no new matter has been added to the claims of the present application. Also, support for these amendments are found throughout the originally filed disclosure.

In light of the above, Applicants request that the above rejection under 35 U.S.C. § 112, 1<sup>st</sup> para., be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, reconsideration of this application is requested. Applicants believe that the claims of the present application are in condition for allowance, which is earnestly solicited. Applicants respectfully request that a timely Notice of Allowance be issued in the present application.

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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